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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,600	12/03/2003	Seung-Yong Song	6161.0107.US	4867
23345	7590	07/07/2005	EXAMINER	
MCGUIREWOODS, LLP 1750 TYSONS BLVD SUITE 1800 MCLEAN, VA 22102			PATEL, ASHOK	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/725,600

Applicant(s)

SONG ET AL.

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152..

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. This office action is in view of applicant's telephone communication with the Examiner on 06/30/2005. In the telephone communication, applicant mentioned that issuance of the (previous) office action, dated 06/27/2005, was defective since the previous office action (a) did not include page number 5 of the office action, and (b) included page number six twice. The Examiner verified this defect (from USPTO e-DAN scanned image record). The defect occurred at the time of scanning and mailing of the previous office action. The Examiner issues another office action to replace the previous defective office action. At this time, the Examiner does not enclose all other papers, which were already enclosed with the previous defective office action on 06/27/2005.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States

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before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yee et al (USPGPub 2003/0062533).

Yee et al disclose applicant's claimed electroluminescent (EL) device (Figures 1-6) including: a substrate (101) having a light-emitting portion (115) and a sealing member (two vertical pillars located on left and right ends of the substrate, wherein the sealing member seals the light emitting portion and a groove (280) accommodating a sealant adhesive (paragraph 0027) is formed in (at least one of) seal portions of the substrate and the sealing member.

As to claims 2 and 3, Yee et al disclose the groove having height 0.04mm or 40  $\mu$ m, satisfying applicant's claimed range of 1 to 200 $\mu$ m, and width of 3mm (Table 1), satisfying applicant's claimed range of 0.5 to 3mm.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Korean Document KR2003044659A.

Korean Document KR2003044659A discloses applicant's claimed electroluminescent (EL) device including: a

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substrate (1) having a light-emitting portion (21) and a sealing member (6), wherein the sealing member seals the light emitting portion and a groove (3) accommodating a sealant adhesive (3) is formed in a location that satisfies applicant's claimed location of "at least one of seal portions of the substrate and the sealing member".

As to claim 4, Korean Document KR2003044659A discloses at least a portion of a peripheral portion of the seal portion of the substrate and at least a portion of a peripheral portion of the seal portion of the sealing member having substantially no gap.

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamada et al (Japanese Document 2000-173766).

Yamada et al applicant's claimed electroluminescent (EL) device including: a substrate (1) having a light-emitting portion (21) and a sealing member (26), wherein the sealing member seals the light emitting portion and a groove (14) accommodating a sealant adhesive (resin) is formed in a location that satisfies applicant's claimed location of "at least one of seal portions of the substrate and the sealing member".

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As to claim 4, as shown in Figure 1b, 4 and 6, Yamada et al discloses at least a portion of a peripheral portion of the seal portion of the substrate and at least a portion of a peripheral portion of the seal portion of the sealing member having substantially no gap.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yee et al (USPGPub 2003/0062533, as applied to claim 1) in view of Korean Document KR2003044659A.

As to claim 5, Yee et al does not at least a portion of a peripheral portion of the seal portion of the substrate

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and at least a portion of a peripheral portion of the seal portion of the sealing member having substantially no gap.

Korean Document KR2003044659A discloses the EL device including at least a portion of a peripheral portion of the seal portion of the substrate and at least a portion of a peripheral portion of the seal portion of the sealing member having substantially no gap. Providing the substrate and the sealing member with no gap at their peripheral portion would provide a desired space therebetween for accommodation of the sealant (between the substrate and the sealing member).

Therefore it would have been obvious to one of ordinary skill in the art to provide the Yee et al's EL device with no gap at the peripheral portion of the substrate and the sealing member, as suggested by the Korean Document KR2003044659A, for providing a desired space for the sealant accommodation (between the substrate and the sealing member).

Since language of claim 6 is same as that of claim 5, they are also rejected for reasons set forth in the rejection of claim 5.

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8. Claims 7-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 7-9, prior art of the record does not disclose applicant's claimed EL device of claim 7-9 (which include limitations of base claims 1-3 respectively), wherein the peripheral portion of the seal portion of the substrate and the peripheral portion of the seal portion of the sealing member are spaced apart from each other by at least one spacer included in the sealant.

Claims 10-24 depend upon objected claims 7-9.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murata et al (Japanese document 2004-79408), Miyama et al (Japanese document 2000-100562), Eida et al, Onitsuka et al, Park et al, and Taniguchi et al each are cited for showing a sealing structure of and EL device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the



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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ashok Patel  
Primary Examiner  
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